

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

OLGA KAISER POWELL, *et al.*,

Plaintiffs,

vs.

TEXVANS, INC., *et al.*,

Defendants.

Case No. 2:09-cv-01079-LDG-GWF

ORDER

Motion for Reconsideration (#61)

This matter is before the Court on Plaintiffs' Motion for Reconsideration/Clarification of the Court's September 9, 2010 Minute Order [Docket No. 59] re: Plaintiff's Motion to Compel [Docket No. 45] and Defendants' Motion for a Protective Order [Docket No. 52] (#61), filed September 20, 2010 and Defendants' Opposition to Plaintiff's Motion for Reconsideration/Clarification of the Court's September 9, 2010 Minute Order [Docket No. 59] re: Plaintiff's Motion to Compel [Docket No. 45] and Defendants' Motion for a Protective Order [Docket No. 52] (#68), filed October 4, 2010.

Plaintiffs request that the Court reconsider or clarify its September 23, 2010 Order (#63), which granted Plaintiffs' motion to compel (#45) in part and compelled Defendant Solovi to produce copies of the medical records requested by Plaintiffs dating from January 1, 2005 to the present. Plaintiffs' motion to compel had requested that the Court order Solovi to produce medical records dating as far back as 2003. (#45). The Court denied Plaintiff's motion to compel in part, finding that Plaintiff had not demonstrated the significance of medical records that dated five years prior to the subject motor vehicle accident, which occurred on June 11, 2008. (#63-2). As a result, the Court denied the request for Solovi's 2003 and 2004 medical records as overbroad and not relevant. (*Id.*) However, the Court stated that if "Plaintiffs discover that the records prior to January 1, 2005 are relevant, Plaintiffs may revisit the issue with the Court." (*Id.*)

1 Plaintiffs now argue that the Court should revisit its prior decision in light of evidence that
2 Solovi may have been suffering from health issues in 2003. (#61). As part of the present motion,
3 Plaintiffs filed several of Solovi's medical records from 2003 to the present motion as evidence that
4 Defendant may have been suffering from lymphoma, shortness of breath and blurriness of vision in
5 2003. (#61 at 3-4). The Court finds the evidence provided by Plaintiff is not significant enough to
6 demonstrate that Solovi's 2003 and 2004 medical records are relevant to this action. Accordingly,

7 **IT IS HEREBY ORDERED** that Plaintiffs' Motion for Reconsideration/Clarification (#61) is
8 **denied.**

9 DATED this 22nd day of October, 2010.

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12 GEORGE FOLEY, JR.
13 United States Magistrate Judge
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